United Nations S/2002/542

Security Council

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17 May 2002

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Report of the Secretary-General on the United Nations Disengagement Observer Force

For the period from 16 November 2001 to 17 May 2002

I. Introduction

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the last six months pursuant to the mandate contained in Security Council resolution 350 (1974) and extended in subsequent resolutions, most recently resolution 1381 (2001) of 27 November 2001.

II. Situation in the area and activities of the Force

2. During the period under review, the ceasefire in the Israel-Syria sector was maintained and the area of operation of UNDOF remained generally quiet, except in the Shab'a farms area (Area 6), which saw increased activity originating from the area of operation of the United Nations Interim Force in Lebanon (UNIFIL). UNDOF supervised the area of separation by means of fixed positions and patrols to ensure that the military forces of either party were excluded from it. The Force also carried out fortnightly inspections of equipment and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on the Force's freedom of movement.

3. The Force continued to assist the International Committee of the Red Cross with facilities for mail and the passage of persons through the area of separation. Within the means available, medical treatment was provided to the local population on request. During the last six months, UNDOF assisted in the crossing of 26 students and one child. In addition, UNDOF provided protection at two weddings.

4. In the area of operation, especially in the area of separation, mines continued to pose a threat to UNDOF personnel and local inhabitants. Through the Minefield Security Programme, initiated with the cooperation of the Syrian authorities, numerous known and previously unidentified minefields in the area of separation were marked. UNDOF also supported the United Nations Children's Fund in activities to promote mine awareness among the civilian population.

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5. The Force Commander and his staff maintained close contact with the military authorities of Israel and the Syrian Arab Republic. Both sides generally cooperated with the Force in the execution of its tasks.

6. As at 30 April 2002, UNDOF comprised 1,060 troops from Austria (371), Canada (193), Japan (45), Poland (357) and Slovakia (94). In addition, 78 military observers of the United Nations Truce Supervision Organization (UNTSO) assisted the Force in carrying out its tasks. A map showing the deployment of the Force is attached to the present report.

III. Financial aspects

7. By its resolution 55/264 of 14 June 2001, the General Assembly appropriated the amount of $36 million gross, equivalent to $3 million gross per month, for the maintenance of the Force for the period from 1 July 2001 to 30 June 2002. My proposed budget for the period from 1 July 2002 to 30 June 2003 is currently under consideration by the General Assembly. Should the Council decide to extend the mandate of the Force beyond 31 May 2002, the cost of maintaining the Force will be limited to the amounts approved by the General Assembly.

8. As at 30 April 2002, unpaid assessed contributions to the special account for UNDOF for the period from the inception of the Force until 30 November 2001 amounted to $15.7 million. Total outstanding assessed contributions for all peacekeeping operations, as at the same date, amounted to $1,455.6 million.

IV. Implementation of Security Council resolution 338 (1973)

9. The Security Council, while deciding in its resolution 1381 (2001) to renew the mandate of UNDOF for a further period of six months, until 31 May 2002, also called upon the parties concerned to implement immediately resolution 338 (1973), and requested the Secretary-General to submit, at the end of the period, a report on the developments in the situation and the measures taken to implement that resolution. The search for a peaceful settlement in the Middle East and, in particular, the efforts undertaken at various levels to implement resolution 338 (1973) were dealt with in the report of the Secretary-General to the General Assembly on the situation in the Middle East (A/56/480), submitted pursuant to Assembly resolutions 55/50 and 55/51 of 1 December 2000.

V. Observations

10. The situation in the Israel-Syria sector has remained generally quiet. UNDOF, which was established in May 1974 to supervise the ceasefire called for by the Security Council and the agreement on disengagement between Syrian and Israeli forces of 31 May 1974, has continued to perform its functions effectively, with the cooperation of the parties.

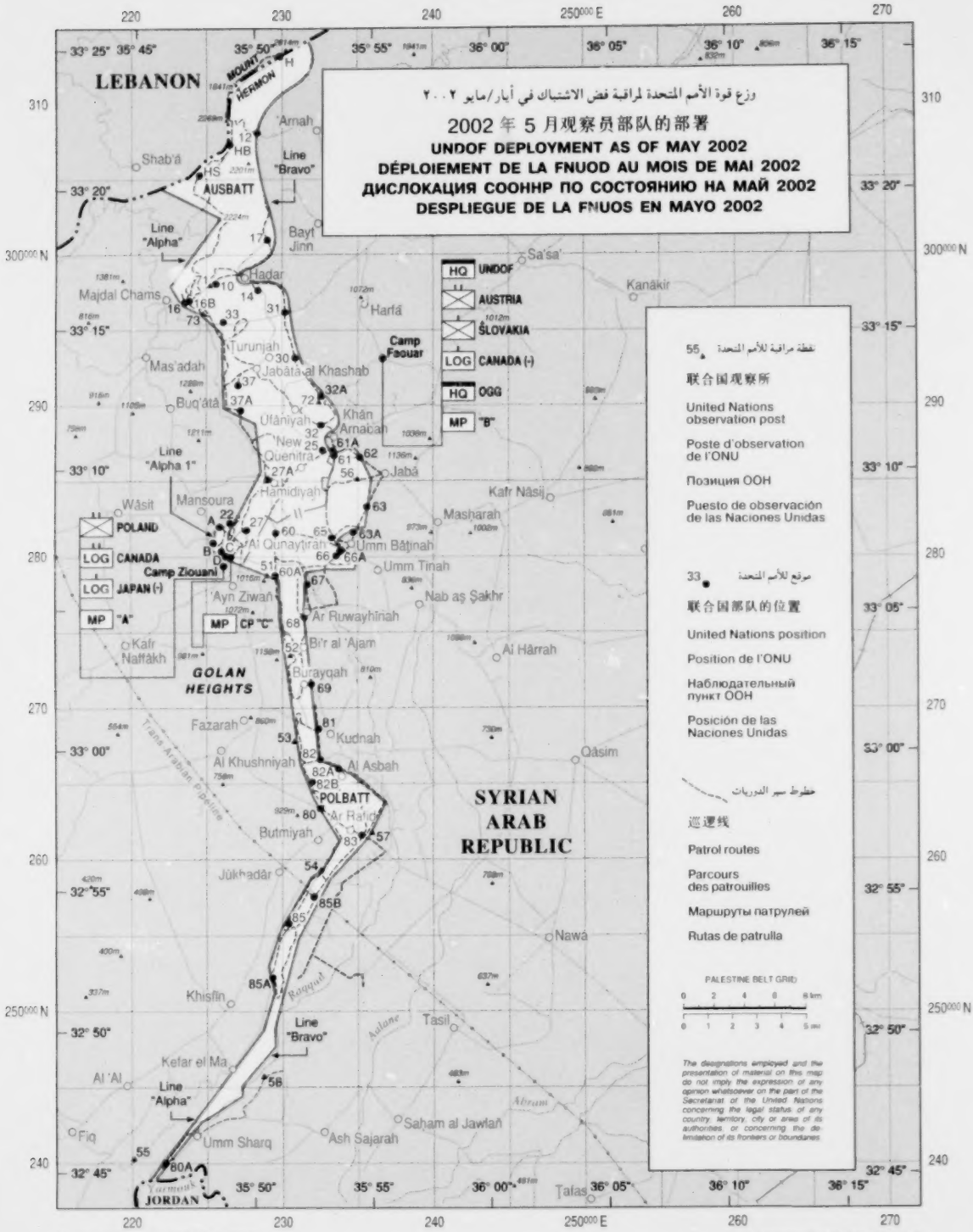
11. Nevertheless, the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I hope that determined efforts will be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just

and durable peace settlement, as called for by the Security Council in its resolution 338 (1973).

12. Under the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 30 November 2002. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel has also expressed its agreement.

13. In making this recommendation, I must draw attention to the shortfall in the funding of the Force. At present, unpaid assessments amount to some $15.7 million. This sum represents money owed to the Member States that contribute the troops who make up the Force. I appeal to the Member States to pay their assessments promptly and in full and to clear all remaining arrears.

14. In conclusion, I wish to pay tribute to Major General Bo Wranker and to the men and women serving with UNDOF. They have performed with efficiency and devotion to duty the important tasks assigned to them by the Security Council. I take this opportunity to express my appreciation to the Governments contributing troops to UNDOF and to those that provide the UNTSO military observers assigned to the Force.


وزع قوة الأمم المتحدة لمراقبة فض الاشتباك في أيار/مايو ٢٠٠٢
2002 年 5 月观察员部队的部署
UNDOF DEPLOYMENT AS OF MAY 2002
DÉPLOIEMENT DE LA FNUOD AU MOIS DE MAI 2002
ДИСЛОКАЦИЯ СООННР ПО СОСТОЯНИЮ НА МАЙ 2002
DESPLIEGUE DE LA FNUOS EN MAYO 2002
LEBANON
SYRIAN ARAB REPUBLIC
JORDAN
GOLAN HEIGHTS
HQ UNDOF
AUSTRIA
SLOVAKIA
LOG CANADA (-)
HQ OGG
MP "B"
POLAND
LOG CANADA
LOG JAPAN (-)
MP "A"
MP CP "C"
AUSBATT
POLBATT
Camp Faouar
Camp Ziouani
Line "Alpha"
Line "Alpha 1"
Line "Bravo"
55 نقطة مراقبة للأمم المتحدة
联合国观察所
United Nations observation post
Poste d'observation de l'ONU
Позиция ООН
Puesto de observación de las Naciones Unidas
33 موقع للأمم المتحدة
联合国部队的位置
United Nations position
Position de l'ONU
Наблюдательный пункт ООН
Posición de las Naciones Unidas
خطوط سير الدوريات
巡逻线
Patrol routes
Parcours des patrouilles
Маршруты патрулей
Rutas de patrulla
PALESTINE BELT GRID
The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.
Map No. 2916 Rev. 51 UNITED NATIONS
May 2002
Department of Public Information
Cartographic Section

United Nations A/56/944–S/2002/543

General Assembly
Security Council

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General Assembly
Forty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 15 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a table showing the 86 violations of Lebanese territory that were committed on land, at sea and in the air by Israel during the month of April 2002.

The breaches of Lebanon's sovereignty that Israel commits on land, at sea and in the air are in violation of the Blue Line and of the provisions of Security Council resolution 425 (1978), and they pose a threat to stability and promote a climate of tension in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Houssam Asaad **Diab**
Chargé d'affaires a.i.

02-38378 (E) 160502 160502

Annex to the letter dated 15 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Summary information on Israeli violations during the month of April 2002

In the air				*At sea*	*On the ground*				
					Military attacks	*Field violations*	*Infringements*	*Total*	*Remarks*
Jet fighters	Reconnaissance aircraft	Helicopters	Total	Violations of territorial waters and launching of flares	Air raids and bombardment of military outposts and important centres	Artillery bombardments, shooting and placement of installations inside Lebanese territory	Threats and brandishing of weapons, earthmoving and placement of concertina wire inside Lebanese territory		
34	22	4	60	11	11		-	86	Total violations in previous month: 31
									Table does not include violations in the occupied Shab`a farmlands and the Kafr Shuba hills area, a zone of military operations

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Security Council

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Draft resolution

The Security Council,

Reaffirming its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000,

Recognizing that persons who are nominated for, or who are elected or appointed as, judges of the International Tribunal for the Former Yugoslavia or of the International Tribunal for Rwanda may bear the nationalities of two or more States,

Being aware that at least one such person has already been elected a judge of one of the International Tribunals,

Considering that, for the purposes of membership of the Chambers of the International Tribunals, such persons should be regarded as bearing solely the nationality of the State in which they ordinarily exercise civil and political rights,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to amend article 12 of the Statute of the International Tribunal for the Former Yugoslavia and to replace that article with the provisions set out in annex I to this resolution;

2. *Decides also* to amend article 11 of the Statute of the International Tribunal for Rwanda and to replace that article with the provisions set out in annex II to this resolution;

3. *Decides* to remain actively seized of the matter.

02-38714 (E) 170502

Annex I

Article 12
Composition of the Chambers

1. The Chambers shall be composed of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of nine ad litem independent judges appointed in accordance with article 13 ter, paragraph 2, of the Statute, no two of whom may be nationals of the same State.

2. Three permanent judges and a maximum at any one time of six ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the Statute and shall render judgement in accordance with the same rules.

3. Seven of the permanent judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

4. **A person who for the purposes of membership of the Chambers of the International Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.**

Annex II

Article 11
Composition of the Chambers

1. The Chambers shall be composed of sixteen independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Seven judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

2. **A person who for the purposes of membership of the Chambers of the International Tribunal for Rwanda could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.**

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Security Council

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16 May 2002

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Letter dated 15 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith to you and the members of the Security Council, the common proposals by Uganda and Rwanda on the way forward for the peace process in the Democratic Republic of the Congo (see annex).

The common document attached has been signed by the Deputy Prime Minister and Minister for Foreign Affairs of Uganda and the Minister for Foreign Affairs of the Republic of Rwanda.

I should be most grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

02-38663 (E) 210502

Annex to the letter dated 15 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Common proposals by Uganda and Rwanda on the way forward for the peace process in the Democratic Republic of the Congo

I. Introduction

1. The Minister for Foreign Affairs of the Republic of Rwanda, Andre Bumaya, and the Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda, James Wapakabulo, met in Kibuye, Rwanda on 1 and 2 May 2002 as a follow-up to the common understanding on the way forward for the peace process in the Democratic Republic of the Congo of 26 April 2002.

2. The Ministers examined the proposal of 12 April by President Thabo Mbeki, as well as the understandings between the Government of the Democratic Republic of the Congo and MLC of 19 April 2002 and of the Alliance for Safeguarding the Inter-Congolese Dialogue of 25 April 2002.

3. The Ministers reiterated the need to support all the Congolese parties and the facilitation in their efforts to reach an agreement on the institutions that would ensure a stable, secure and successful transition in the Democratic Republic of the Congo.

4. They further reaffirmed the importance of the following key principles to guide the inter-Congolese dialogue: **power-sharing** in all State institutions, **separation of powers** and **inclusiveness**.

5. The Ministers took note of the 37 resolutions that were adopted by all parties in the plenary at Sun City in the areas of defence, economy, social and humanitarian affairs and national reconciliation. They therefore considered and agreed on recommendations regarding, essentially, power-sharing in the transitional institutions.

II. The Executive

The Council of State of the Republic

6. The Ministers examined the various proposals on the Council of State and recommended that its composition should include the President as Chairman, two Vice-Presidents (chosen from RCD and MLC) and the Prime Minister (from the unarmed opposition). Where the office of the President, Vice-President or Prime Minister falls vacant, the Group holding the portfolio should nominate the replacement. The Council of State should to the extent possible reach decisions by consensus, failing which the matter should be put to vote.

7. The Ministers also recommended that the President convene the meetings of the Council of State. The Council of State should meet at least once a month or as often as may be initiated by the Vice-Presidents. In the event that the Head of State is absent the Council of State decides on who should act.

8. The Ministers further recommended that the mandate of the Council of State should include the following aspects:

- The declaration of war
- The command and deployment of the armed forces
- The appointments to senior military positions
- The proclamation of martial law
- The proclamation of a state of emergency
- Measures for the accomplishment of the Lusaka Ceasefire Agreement on the Democratic Republic of the Congo including DDRR and the withdrawal of all foreign forces
- The reunification of the country
- The formation of a new army
- The secure return of refugees and displaced persons
- The right of all Congolese to freedom of movement, communication and thought
- Matters relating to territorial administration
- Approval of the Transitional Constitution

The President

9. The Ministers took note of the various proposals on the presidency and recommended that President Kabila should remain the Head of State and Chairman of the Council of State during the transition. In particular, the President:

(a) Assents and signs the laws.

(b) Appoints, accredits, receives the ambassadors, plenipotentiaries, diplomatic representatives, and other members of the diplomatic corps, and members of the consular corps.

(c) Makes appointments which may be necessary by virtue conferred upon him by law.

(d) Pardons or commutes sentences of the condemned either unconditionally or under conditions he judges suitable and may defer the fines or sentences.

(e) Bestows honours.

(f) Signifies the censure of the Prime Minister and Cabinet Ministers.

The Vice-Presidents

10. The Ministers recommended that it should be left to MLC and RCD to agree on which other portfolios the Vice-Presidents should hold.

The Prime Minister

11. The Ministers recommended that the Prime Minister coordinate government business. To this end the Prime Minister:

(a) Chairs the Cabinet.

(b) Receives and appoints members of the Cabinet upon nomination by the components of the inter-Congolese dialogue agreed upon to form part of the Cabinet.

(c) Reports to the Council of State.

The Cabinet

12. The Ministers examined the various proposals on the Cabinet and identified the following categories of ministries critical to the transition:

Category I: Sovereignty ministries

Defence
Security
Foreign Affairs/Foreign Policy
Internal Affairs
Justice

Category II: Economic/development ministries

Finance
Mining
Tourism, Trade and Industry
Economic Infrastructure
Agriculture etc.

Category III: Social and mobilization ministries

Education
Health
Gender, Youth etc.
Information
Arts and Culture
Constitutional Affairs etc.

13. The Ministers also identified the following principles for appointments to the Cabinet:

(a) The portfolios under category I shall be held by the current Government of the Democratic Republic of the Congo, MLC and RCD on the basis of at least one each.

(b) Category II ministries. The current Government of the Democratic Republic of the Congo, MLC and RCD should hold at least one of the economic portfolios under category II. The rest of the ministries in this category should be allocated on the basis of a formula to be agreed upon by the parties to the inter-Congolese dialogue.

(c) The portfolios under category III shall be allocated to the components of the inter-Congolese dialogue to be part of the Cabinet on the basis to be agreed upon in the inter-Congolese dialogue.

Special/independent institutions

14. The civil society should only be considered for the special/independent and special institutions such as the Human Rights Commission, the Truth and Reconciliation Commission, the Electoral Commission and the High Media Council. A Constitutional Commission should be established with the mandate and terms of reference determined by the Council of State and the National Assembly.

The Defence Council

15. The Ministers discussed the proposals on the Defence Council and further agreed on the following recommendations:

(a) The Defence Council should advise the Council of State on all matters of defence and security.

(b) In order to ensure stability during the transition, the composition, structure and command of the new national army should reflect the balance of forces of the Congolese signatories to the Lusaka Ceasefire Agreement.

(c) The composition and procedures of the Defence Council should be determined by the inter-Congolese dialogue before the establishment of the Transitional Administration.

(d) The Defence Council shall be answerable to the Council of State.

III. The Legislature

16. The Ministers considered the proposals on the legislature and recommended the following principles:

(a) The size of the National Assembly shall be decided upon by the inter-Congolese dialogue.

(b) Inclusiveness. The composition should be based on the principle of inclusiveness, taking into account affordability, balance of forces (relative strength and status) and sensitivity to gender, youth and other marginalized groups.

(c) Regional representation. In proposing membership of the National Assembly, the groups should take into account regional representation.

17. The Ministers examined the issue of the relationship between the Executive and the National Assembly and made the following recommendations:

(a) The National Assembly should have an oversight role on the Executive without paralysing the functioning of government.

(b) The National Assembly should have the powers to censure the Prime Minister or Cabinet Ministers on specific grounds of abuse of office/treasonable conduct based on the two-thirds majority rule. The censure under this paragraph shall, subject to paragraph 9 (f), take immediate effect.

(c) The National Assembly should have powers to approve appointments of members of the special/independent institutions.

18. The Ministers recommended that the Speaker should be elected by the National Assembly from the list of names submitted by the civil society. The Ministers

further recommended that the Speaker of the National Assembly should be assisted by three Deputy Speakers from the current Government of the Democratic Republic of the Congo, MLC and RCD. The Bureau composed of the Speaker and his/her deputies should be responsible for appointments of senior officials of the National Assembly. The National Assembly may remove the Speaker and/or the Deputy Speaker upon a resolution of the Assembly carried by not less than two thirds of the total membership of the Assembly.

IV. The Judiciary

19. The Ministers considered the various proposals on the Judiciary and further recommended that the Council of State should make recommendations to the National Assembly on the number of Judges of the Supreme Court and the procedures for their appointment. The Chief Justice and the Deputy Chief Justice should be appointed from a list submitted by the Council of State.

20. The Ministers reiterated the appeal to the international community to continue to support the quest for a broad-based, all-inclusive solution to the Congolese question, taking into account the uniqueness and complexity of the situation.

21. The Ministers agreed to use their good offices to persuade their respective allies to commit themselves to these proposals.

22. Finally, the Ministers agreed that the Presidents of Uganda and Rwanda share these recommendations with President Thabo Mbeki and the facilitator, Sir Ketumire Masire.

(*Signed*) James **Wapakabulo**
Third Deputy Prime Minister
and Minister for Foreign Affairs
Republic of Uganda

(*Signed*) Andre **Bumaya**
Minister for Foreign Affairs
and Regional Cooperation
Republic of Rwanda

Done at Kibuye, Rwanda, on 2 May 2002.

United Nations S/2002/546

Security Council

Distr.: General
16 May 2002

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Portugal, Russian Federation and United States of America: draft resolution

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 864 (1993) of 15 September 1993 and all subsequent resolutions, in particular resolution 1127 (1997) of 28 August 1997,

Recalling the statement of its President of 28 March 2002 (S/PRST/2002/7), which, in particular, expressed its readiness to consider appropriate and specific exemptions from and amendments to the measures imposed by paragraph 4 (a) of resolution 1127 (1997),

Welcoming the historic step taken by the Government of Angola and União Nacional para a Independência Total de Angola (UNITA), on 4 April 2002, in signing the Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol (S/1994/1441, annex),

Welcoming in particular the efforts of the Government of Angola to restore peaceful and secure conditions in the country, to re-establish effective administration and the efforts of all Angolans to promote national reconciliation,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Emphasizing the importance of the full implementation of the "Acordos de Paz", the Lusaka Protocol, and the relevant United Nations Security Council resolutions, in close cooperation with the United Nations and the Troika of Observers,

Reaffirming the need for UNITA to cooperate fully with the demobilization and quartering of UNITA soldiers and their reintegration into the armed forces, police and civil society of Angola, as specified in the Memorandum of Understanding,

Recognizing the need for the facilitation of travel by UNITA members for the peace process and national reconciliation to advance, including to enable UNITA's reorganization, with the goal of rapid reintegration into national life and fulfilment of all peace accords,

Acting under Chapter VII of the Charter of the United Nations,

02-38739 (E) 170502

BEST COPY AVAILABLE

1. *Decides* that the measures imposed by paragraphs 4 (a) and (b) of resolution 1127 (1997) are suspended for a period of ninety days from the date of adoption of this resolution;

2. *Decides* that prior to the end of this period the Council will decide whether to extend the suspension of the measures referred to in paragraph 1 above, taking into account all available information, including from the Government of Angola, on the continuing progress of the process of national reconciliation in Angola;

3. *Decides* to remain actively seized of the matter.

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Security Council

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17 May 2002

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Letter dated 15 May 2002 from the Secretary-General to the President of the Security Council

I have the honour to convey the attached communication, dated 14 May 2002, which I received from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-38656 (E) 210502

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Annex

Letter dated 14 May 2002 from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you the twenty-second report on the activities of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. This is also my final report. I would appreciate your making this report available to the Security Council. I would like to thank you again for your support and for our fruitful cooperation during the three years of my mandate.

(*Signed*) Wolfgang **Petritsch**

Enclosure

Report by the High Representative for the Implementation of the Peace Agreement to the Secretary-General

20 February-7 May 2002

Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, in which the Council requested the Secretary-General to submit reports from the High Representative in accordance with annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8 and 9 December 1995, I herewith present the twenty-second report.

I. - Introduction

1. This is my final report to the UN Secretary General before my term as High Representative ends on 27 May 2002. Therefore, I am taking the liberty of using this report not only to update you on events since 20 February, the date of my previous submission, but also to assess and report on developments during my mandate as a whole.

2. In order to do this I will first discuss the political and security environment, which underpins all peace implementation activities in Bosnia and Herzegovina (BiH). Then, I will continue with an assessment of progress in the three inter-related priority areas defined by the last Peace Implementation Council (PIC) ministerial Conference which met in Brussels in May 2000, ie. institution building, return, and economic reform. Next, I will discuss the fourth priority area, rule of law, which was added by the PIC Steering Board at its meeting in December 2001. These priorities also correspond to the four Task Forces (TFs), which form the basis of my plan for streamlining the work of the International Community (IC) in BiH.

3. I believe that, thanks to the efforts of the IC in BiH, the last three years have been marked by the decline of nationalism and the strengthening of tolerance and multi-ethnicity. Throughout my mandate, I have worked to encourage domestic ownership, consolidate BiH's statehood, and improve the social, economic, and cultural condition of its citizens.

II. - Political Environment

4. In general, I would divide my three-year term as High Representative into two parts. The first part, which lasted for about a year and a half, was marked by robust, intensive, and above all, direct engagement in all aspects of political life in BiH. During that period, I had to remove –under my GFAP Annex 10 powers- around 70 politicians, among them the Croat member of the BiH Presidency, a cantonal governor, several ministers and a number of mayors, for obstruction of the peace

implementation process. Because of persistent nationalist obstruction of essential legislation in the BiH Parliament, I had to impose laws on a wide range of issues, necessary for strengthening the State institutions, sustaining returns and reforming the economy.

5. The second part of my term was marked by efforts to establish partnership with the non-nationalist forces that came to power after the elections of November 2000, and to show them that they, too, are responsible for the future of BiH. During this second phase, BiH made significant strides towards a progressive transfer of ownership to its citizens and institutions. Politicians in BiH are now more capable of independent problem-solving and decision-making, as demonstrated by the passage of the Election Law in August 2001 and, above all, the negotiations on Entity constitutional reform which culminated in the 27 March 2002 Mrakovica-Sarajevo Agreement. (This issue is discussed in greater detail later in this report.) The Council of Europe (CoE) provided important recognition of BiH's progress when it granted the country full membership on 24 April 2002.

6. Developments such as CoE accession highlight the fact that BiH statehood is no longer at issue. Although its citizens sometimes still have difficulty viewing their country with pride and confidence, this will change as the IC's institution-building efforts begin to bear fruit and the State begins to deliver benefits. Also, since the establishment of democratic regimes in Croatia and the Federal Republic of Yugoslavia (FRY), the country is no longer under any serious external political or military threat. In this regard, the last year has been characterized by a series of events including the exchange of ambassadors between BiH and FRY and a number of high-level parliamentary visits from both FRY and Croatia.

7. As said in my 19th Report, the Republika Srpska (RS) and FRY signed an Agreement on Special Parallel Relations (SPR) on 5 March 2001. Although the concept of "special" relations between an Entity and a neighboring country is an outdated concept, such an agreement is a right of the Entities, in conformity with the General Framework Agreement for Peace in Bill (GFAP). Nevertheless, I ensured that the agreement's text and spirit fully respect BiH's sovereignty and territorial integrity. My Office has a supervisory role in the agreement's implementation and is involved in the drafting of its annexes. Moreover, I insist with the governments of neighbouring countries -and with those in BiH at State and Entity level- to concentrate on state-to-state relations.

8. The overall positive developments in the region influenced the results of the November 2000 Elections and had major impact on the nationalist parties of BiH. Still, during my mandate it was necessary to face down religious and nationalist intolerance, most blatantly over the Croat declaration of "self-rule" on 3 March 2001. As detailed in my 19th report, because of this declaration, I had to remove Ante Jelavic, the Croat member of the BiH Presidency and President of the nationalist HDZ party, from his positions, for personally leading this violation of the constitutional order. In April that same year, I appointed a Provisional Administrator

for Hercegovacka Banka, which acted as the financial backbone of the HDZ-led illegal parallel structures. The investigation into this bank is continuing and, in April 2002, I decided to extend the term of the Provisional Administrator for another year.

9. The hard-line leadership's failure to establish the Third Entity has led to a crisis in the HDZ. At first, Jelavic and his cohorts refused to step down from their leadership positions in the party, even though that meant they could not register for the 5 October 2002 elections. But, as of 4 May, Jelavic and his associates resigned. Although I welcome the resignations as a sign that the majority of HDZ members realize that the pursuit of a Third Entity is a dead-end, it is too early to say whether or not the party will undergo a true process of democratization.

10. Change is also taking place among the nationalist elements in the RS. Although the Serb members of the BiH Parliamentary Assembly still often obstruct legislation and slow down efforts to strengthen the State and enhance its competencies, there have been some welcome signs of shifting attitudes. On 12 December 2000, in my presence, the SDS leadership endorsed Dayton, along with all previous PIC Declarations, and committed the party to full cooperation with the IC. Although they have not fulfilled all these commitments, there has been significant improvement, and in December 2001 they barred indicted war criminals from membership in the party. They also participated actively in the 2002 constitutional reform process, and accepted the Mrakovica-Sarajevo Agreement, including the provision that positions in the RS government, legislature, and judiciary must be given to Bosniacs and Croats. Such a development would have been difficult to imagine when I took on the role of High Representative in August 1999.

III. - Institution Building

11. Under the guidance of the PIC, I have placed a great deal of emphasis on strengthening State institutions in BiH. In the last three years, we have seen the Presidency transform itself from an institution whose members would not be seen in public together to a fully-functioning institution that leads BiH on a number of issues including defence and security policy. The Council of Ministers (CoM) has also become a functioning, hard-working and pragmatic cabinet; in 2000, it doubled its membership from three to six ministers. It is now the leading State institution in the promotion of key State-building legislation. In addition, the State Border Service (SBS), the Public Broadcasting System (PBS), the Communications Regulatory Agency (CRA), and various economic institutions such as the Institute for Standards and the Institute for Statistics have been established and are making a tangible difference to life in BiH. The IC has been united in its message that a functioning State brings real benefits to its citizens.

12. Establishing and developing State institutions supported by an effective, merit-based civil service and placed on a sound financial footing is key to the sustainability and long-term stability of BiH. BiH has too much bureaucracy and too little service. The object of the Civil Service Law, adopted by the CoM in February 2002 and which I

hope to see in force by the end of my mandate, has been to create a cadre of civil servants at the State level who will be selected on the basis merit, and whose loyalty will be to the State and the citizen rather than to particular party or ethnic groups.

Constitutional Reform

13. On 11 January 2001 I issued a Decision restructuring the Constitutional Commissions in the Federation and the RS Parliaments, and giving them new competencies. Thus began the far-reaching process of preparing proposals for the amendment of the constitutions of both Entities and the protection of the rights of constituent peoples. I am pleased to report that these constitutions have been amended in line with the four partial Decisions the BiH Constitutional Court passed in 2000. The negotiations of leaders of the main BiH parties have been successfully concluded under my auspices with the 27 March Mrakovica-Sarajevo Agreement. It contained the key elements for the implementation of the text and the spirit of the Court's Decision on the constitutionality of Bosniacs, Serbs, and Croats in both Entities.

14. The text of the 27 March Agreement has been respected in full by the Entities in the changes to their Constitutions. These amendments have been to the largest extent passed by the Entity Parliaments and only a few elements had to be imposed in my Decisions of 19 April 2002. I had to correct three amendments in RS and to complete the parliamentary procedure in the Federation, as the amendments did not secure the mandatory two-thirds majority in the lower House. I also imposed several amendments to the BiH Election Law. Hence, elections of the main BiH institutions composed in line with the constitutional amendments can be held as scheduled on 5 October 2002.

15. These constitutional amendments demonstrate the evolutionary potential contained in the Dayton Peace Agreements and should further help to achieve a true multi-ethnic society within which the return of the victims of the BiH war can be effectively established.

Security and Defence

16. The tragic events of 11 September in the US highlighted the need for strong State institutions to combat terrorism. As mentioned in my last update, the BiH authorities demonstrated their commitment to global action by working with the IC to establish the Coordination Team in the Fight Against Terrorism and pass the five laws comprising the Citizens Identity Protection System (CIPS). I am pleased to report that the commercial contract to implement the system was signed by the BiH Ministry of Civil Affairs and Communications on 30 April 2002. In addition to providing a state-of-the-art system for registration and issuance of identity documents, essential tools in the fight against terrorism, organized crime, and illegal migration, implementation of the project may ultimately encourage foreign governments to ease visa requirements for BiH citizens. The project will also be self-financing, providing an important source of revenue—and thus, stability and independence—for the State. I hope that efforts to establish a State-level police force will also contribute to the fight against terrorism and other transborder crimes.

17. Security and defence institutions are key elements of the State, and there have been several significant developments in this regard during my tenure. On 11 May 2001, the BiH Presidency approved a ground-breaking State Defence Policy Document, which incorporates a military doctrine based on defending the integrity of the State of BiH as a whole. The expanded Standing Committee on Military Matters (SCMM) has made significant progress in drafting a vital strategic framework document, the BiH Security Policy. This framework is being developed by a CoM Working Group under the supervision of the BiH Presidency and should be ready for adoption in June 2002. The on-going effort of rightsizing the Entity Armed Forces, undertaken by the OSCE, and SFOR, in close coordination with the International Financial Institutions, will be crucial to the establishment of a practicable defence policy in BiH.

18. One issue which clearly demonstrates the nexus between institution building, returns, and economic development is demining. In October 2000 I had to remove the three BiH Demining Commissioners, as the administrative structures of the de-mining operations were tainted with systemic corruption. I am glad to report that, following these removals, confidence has fully returned among donors. On the legislative field, on the 12 February 2002 the first Demining Law was adopted at State Level. The Law provides the authority for the creation of the State government structure to administer, manage and control demining activities in BiH. This year for the first time the BiH and Entity Governments have allocated more significant funds for demining from their budgets: a total of 2.6 M KM (1 Euro = 1.95 KM) for the BiH structure. This is a first step towards the Government taking over all the running costs of the BiH demining structure by 2004 as planned.

Media Development

19. The development of an independent media, free of nationalist bias, was one of the priorities of the IC during my tenure. The restructuring of the BiH public broadcasting system achieved an important benchmark on 7 May 2002 when the countrywide PBS news was launched. This was a significant element in the implementation of my Second Media Decision of October 2000. Although there is still much work to be done in the restructuring process, the development of the all-important legislation for the new system is nearing its completion and I am determined to have this in place before the end of my tenure.

20. In January 2002, my Office took over the Free Media Help Line project from the OSCE. This confidential telephone service provides assistance to journalists and media outlets in the event of threats, intimidation or interference against them. The implementation of the Freedom of Access to Information Act has begun at both state and Entity levels. The Act on Protection against Defamation is in force in RS but is yet to be adopted by the Federation parliament.

21. The CRA has successfully completed the second phase of the licensing process that commenced in October 2000. Assessing the key criteria of programme content, financial viability and technical capability enabled the CRA to assess each station

objectively and to grant long-term licenses to the most successful broadcasters in BiH. At the same time the CRA was able to reduce the excessive number of broadcasters, thus enhancing the economic viability of the media market. Out of 258 radio and TV stations, 71 % succeeded to get a long-term license.

Human Rights Institutions

22. My Office has supported the Annex 6, 7 and 8 institutions and, throughout my tenure, this has resulted in a significant increase in compliance with the decisions of these Human Rights Institutions to an implementation rate of 75% in the RS and 92% in the Federation. In particular, soliciting domestic financial and political support and aggressively addressing non-compliance has resulted in an increase in implementation of the BiH Human Rights Chamber decisions from 10% in early 1999 to the current 79%. With respect to Ombudsman cases, whilst progress continues to be made, the overall situation as regards compliance in the RS remains unsatisfactory.

23. On 21 December 2001, as outlined in my last report, the Presidency of BiH appointed five new members of the Commission to Preserve National Monuments (three from BiH and two internationals). In order to eliminate the political and administrative obstacles to the reconstruction of monuments demolished during the war, on 8 February 2002 I issued Decisions by which the Entity Ministries of Urban Planning, rather than municipal authorities, are responsible for issuing the relevant permits.

Srebrenica

24. On 11 July 2001, on the 6th anniversary of the Srebrenica massacre, some 3000 relatives of the victims and several international and domestic officials, including myself, attended a commemorative ceremony in Potocari. At the site that I had designated in my Decision of 25 October 2000 for a memorial and cemetery for the victims, a marker stone was unveiled. The Foundation of Srebrenica/Potocari Memorial and Cemetery (established by my Decision of 10 May 2001) continues to work with the Family Associations to implement the development of the designated site. I issued these Decisions because burying the victims of Srebrenica according to the proper rites and customs, and honoring their memory with dignity is a moral obligation. This commemoration is also an integral and indispensable part of BiH's postwar recovery.

Education

25. During my mandate, a number of international organisations (including the OHR) and many NGOs have tried to make a positive impact in the field of education, but have encountered strong political resistance. It has become clear, though, that the inadequate education sector in BiH constitutes a severe problem for the normalisation of the country's society and economy and that a serious interventionist effort of the IC has to be undertaken.

26. Two agreements concerning the removal of objectionable material in textbooks, signed in 1999, had limited effect and were not fully implemented. The Entity Ministries signed a new textbook agreement in December 2001, which is now being

implemented. Furthermore, in March 2002, under OHR auspices, the RS and Federation Education Ministers signed an Interim Agreement on the educational rights and needs of returnee children BiH. The Agreement stipulates that all children in both Entities will be taught all general subjects on the basis of the curriculum wherever they are currently living or wherever they and their families return to live. On higher education, I would like to underline the signature of a letter of intention by both Entities on 16 April 2002 to implement the principles and norms of the Bologna Declaration, whose goal is the harmonisation of the whole higher education sector throughout Europe.

International Criminal Tribunal for Yugoslavia (ICTY)

27. My Office has continued to work closely with ICTY to pressure the relevant authorities of BiH, especially those of the RS, to co-operate more efficiently with the Tribunal. Despite the adoption of the RS Law on Co-operation with the ICTY on 17 October 2001, the level of co-operation remains poor and RS authorities have yet to arrest, or facilitate the arrest of, a single ICTY-indictee.

28. In early 2002, I appointed a group comprising four experts in the field of war crimes prosecutions and the judicial system of BiH to draft a report on the future of domestic war crimes prosecutions in this country. The report will address what would need to be done if future domestic war crimes cases were to be tried in the soon-to-be-established Court of BiH and/or in other domestic courts. The consultants and members of my Office have had extensive discussions with domestic authorities including the judiciary as well as international agencies involved in the matter, particularly the ICTY and other UN bodies which are also in the process of drafting related reports to be submitted to the SG. My overall strategy will ensure that ICTY's current concerns with the BiH judicial system with respect to war crimes prosecutions will be addressed, and our offices will continue to work together to ensure that domestic war crimes prosecutions are expedited and meet high professional standards.

Brcko District

29. Following the arbitration award from 5 March 1999, the District of Brcko was officially proclaimed on 8 March 2000. In the last two years the District has been a leading region of BiH in multiple fields: property law implementation, refugee return, economic and educational reform, etc.

IV. - Return

30. Clearly, the question of returns cannot be viewed in isolation. As noted above, institutional issues such as the quality of human rights, security, and legal protection can all affect the very practical decisions of real people to return home. Still, there has been significant improvement on returns in the past three years. When I took office, in 1999, the rate of return was such that the Federation process would have taken at least another 22 years. In the RS, it would have taken another 40 years. By 2001, UNHCR registered the return of 92, 061 people to their pre-war homes in areas where

their ethnic group is in minority. In contrast, the year 2000 -which was declared then a breakthrough year- saw only 67,445 of these "minority" returns. Figures this year show an increase greater than 20% over the record 2001 figures. Thus a similar increase in overall return can be expected at the end of this year. If this rate is maintained - and I believe it can be maintained - mass return will be completed by 2004. This will be a historic achievement

31. The State Commission for Refugees (SCR), co-chaired by UNHCR and the State Ministry for Human Rights and Refugees (MHRR), in which my Office regularly participates, has established its value as an excellent forum for efficient coordination between the State, the Entities and the IC. The appropriate ministries of the RS, the Federation and Brcko District engage seriously, and in a constructive manner, in joint discussions of strategy, funding issues, and, in particular, joint activities. The Federation and the RS have become important donors to reconstruction and return-related projects. Under the leadership of the MHRR, the SCR has embarked upon an initiative for joint projects according to common beneficiary criteria, to which both Entities and State will contribute funds. This can be viewed as a significant first step towards a common policy on return.

Property Law

32. Through a series of property-law Decisions that I issued starting in October 1999, loopholes allowing local officials to drag their feet were closed, and the legal provisions governing the repossession of apartments were made more effective. The first imposition in October 1999 marked the beginning of the international push aimed at ensuring the enforcement of citizens' rights to the repossession of their apartments, houses and other property, which is a precondition for return, within an acceptable time frame. A month later, on 29 November, I dismissed public and housing officials who obstructed the implementation of the laws, as part of a package of 22 removals. Other international activities included the establishment of the inter-agency Property Law Implementation Plan (PLIP) cell in Sarajevo (OHR, UNHCR, OSCE, UNMIBH and the Commission for Real Property Claims), and of the country-wide PLIP field network. The PLIP cell supervises and co-ordinates the implementation process and sets the strategic goals, while the network translates this into concrete action at the local level.

33. On 9 March this year the RS issued an instruction setting up commissions which will review illegal allocation of apartments and their subsequent privatisation. Following this, on 16 April 2002, I was able to issue two Decisions lifting the freeze on the RS law on socially owned apartment privatisation, previously imposed by me in December 2001. The freeze had affected the privatisation of apartments to which new occupancy rights had been issued after 1 April 1992. A similar freeze is in place in the Federation, and remains so, though talks are ongoing with the its Ministry of Urbanism.

34. According to PLIP statistics, as of the end of March 2002, the Federation issued decisions on over 80% of all claims received, and resolved over 51% of these claims.

(As a result of new claims filed this year, following my amendments to the property laws of December 2001, the Federation claims total has risen to over 141,000, affecting the implementation rate.) The RS has issued decisions on 55% of all claims received, and has resolved 38% (though this improved implementation rate results partly from the withdrawal from the PLIP statistics of claims filed for destroyed properties). Brcko District has also issued decisions on 55% of claims filed, and resolved 47%. Over all, in the whole of BiH, decisions have been issued on approximately 70% of claims made to date, while approximately 46% of all claimants have been able to repossess their property. While progress remains uneven, particularly in the RS, the crucial 50% mark should be reached this summer.

V. - Economic Reform

35. A strong economy is a disincentive for renewed violence and separatism, just as it is an incentive for returns. Privatization alone is not enough; foreign investment, export markets and a strong banking system are all essential. My time as High Representative has served to reinforce my belief that reactivating the economy, carrying out the necessary judicial reform, fighting corruption, and establishing transparency in government and business are closely linked to one another.

36. Moving BiH "from Dayton to Europe" in economic terms means "from Donations to Investments". While at the beginning of my term the infrastructure rehabilitation reached a peak, the necessary long-term reform package to restore the economy had only begun to pick up steam. Ten years after the other economies in Central and Eastern Europe, BiH started its own transition from a planned to a market system. Without "leapfrogging" the more conventional transition experiences, this backlog can not be overcome. The conclusions of the 2000 Brussels Conference stressed this urgent need for structural reforms, whose strategic aim is the functional integration of a country that had been deeply divided. A fully functional market economy needs efficient institutions setting the framework for economic actors - the logic of a single economic space, of competition and foreign trade requires these efficient market-regulating institutions at the State level. Several of my Decisions, in particular the package on standardization and accreditation institutes as well as the CRA, and the constant efforts of the IC to push state level legislation were aiming for this goal.

37. Two years after the Brussels Conference, the macro economic figures indicate an overall positive picture in BiH. Unfortunately, many potential elements of instability are still present. Following the war, seven years of strongly positive real growth rates were achieved in BiH, mainly fueled by international donor contributions and credits from international financial institutions. In the last three years an upswing of domestic and foreign private investment has been realized and BiH is slowly overcoming "donor dependency". A predictable investment environment was supported by price and exchange rate stability, based on the successful introduction of the Convertible Mark already in 1998 (linked to the DM and now to the Euro by a currency board) by the Central Bank of BiH.

38. In contrast to the positive macro-economic situation, most of the structural indicators perform far below their potential - the unemployment situation has proven particularly intractable. The number of jobs in the official economy has stayed the same during the last three years. Decreasing employment numbers in the huge industrial complexes were offset by some new jobs in the emerging private sectors, but a considerable component of the job creation stayed in the informal sector/gray economy. This phenomenon has been observed in all transition economies, but was especially strong in countries with weak public structures – e.g., where tax, customs and social security administration reforms could not keep pace with the new private sector developments.

Transport

39. Despite the major wartime damage to the roads, railways, airports and waterways, estimated some 650 million USD for reconstruction, significant progress toward restoring BiH's transportation infrastructure has been made. Significant accomplishments include basic reconstruction of the rail and road network, and an agreement between BiH, Croatia and FRY on the rehabilitation and management of the Sava River Basin.

40. There has also been major progress in civil aviation during my tenure, as demonstrated by the signing of an agreement by BiH with the Central European Air traffic services on 14 September 2001; an agreement with Croatia Control Limited to provide air traffic control across the country from 27 December 2001; the deployment of the SBS to Banja Luka and Mostar airports, and the establishment of a Search and Rescue Service. The handover of BiH's airports to domestic civilian control is an important and highly visible sign of normalization.

Telecommunications

41. During my three years as High Representative, my focus has shifted from the reconstruction of BiH's telecommunications system to its restructuring. My Office has been working for the establishment of a modern legal and regulatory framework in the telecom sector as a precondition for privatization and full competition. Two milestones have been set in this respect: first, the November 2000 adoption of the telecom policy setting out the various steps towards privatization and full competition and, second, the March 2001 establishment of the CRA, an independent regulator for telecommunications and broadcasting. Unfortunately, the tender for the third GSM licence, which would have introduced competition in the mobile phone market, was canceled on 31 July 2001 after two international bidders withdrew their applications and differences developed between the CoM and the CRA concerning the bidding process.

Social Sector

42. During the last three years a major effort was put forward by the IC and my Office on the reform of the social security system. Several major donor programs were implemented and supported and speeded by my Decisions. The Decision imposing the Federation Law on Pension and Disability Insurance Organization, provided a

framework for the merger of the Sarajevo and Mostar pension funds (December, 2000), thus establishing a single pension fund in the Federation with the goal of eliminating parallel structures, improving efficiency and transparency in this sector. Additionally, a rationing mechanism in the event of insufficient funds for payment of full pension amounts was introduced. The majority of the provisions of this law were implemented by January 2002 when the new Federation Pension Fund began operating and paying pensions.

43. My Decision imposing the Law on the Job Placement and Social Security of the Unemployed in the Federation established the Federation Employment Institute and Cantonal Employment Services. The goal was to abolish Croat and Bosniac parallel structures, reform inefficient employment bureaus, and introduce accountability and transparency in a system that was a major source of corrupt financial practices. The implementation of the Decision is currently ongoing.

Tax and Fiscal Structure

44. Since the payment bureaus had a monopoly over domestic transactions and did not operate in a transparent way, and in order to fulfill PIC and EU Road Map requirements and qualify BiH for membership in the CoE, I issued a Decision to enable the dismantling process to begin. The Payment Bureaus were abolished in January 2001 and their transactional operations were transferred to commercial banks.

45. Since 1999, a number of steps have been undertaken for the establishment of the single customs space in BiH. These measures include the unification of the tariffs applied in BiH, the discontinuation of the preferential treatment regimes with neighboring countries by the Entities, adoption of various by-laws by the Government, and my Decision to impose the Customs Policy Law in December 2000. (This law was subsequently adopted by the Parliamentary Assembly in March 2002.) Now, BiH has a single customs space and the customs tariffs are applied evenly across the country. The next desired step is the establishment of a Single Customs Account, leading in the end to a unified customs Administration.

Banking and Finance

46. Following the abolishment of the payment bureaus, one area of particular importance – and notable success – has been that of the banking and finance sector. After a slow start in the effort to consolidate the proliferation of banks, many of which were operating on shaky financial bases and with questionable fiduciary disciplines, the privatization and liquidation process is nearing the final stages and should be completed by the end of 2002. In addition, a draft package of comprehensive banking reforms has been completed and is entering the legislative process.

47. In 2001, major strides in reestablishing depositors' confidence in the banking system were made with the establishment of Deposit Insurance Agencies in both Entities. To increase the efficiency and effectiveness of these Agencies and their coverage of

deposits, both Entities have agreed to merge them into a single, state-level agency operating under the umbrella of the BiH Central Bank.

48. With the privatization process now in full swing and increasing numbers of companies registered with the Entities' Securities Commissions, 2002 has seen the advent of stock exchange operations in both Sarajevo and Banja Luka. This embryonic start represents an important component of BiH's transition to a market economy.

Privatization

49. In the course of the past three years, the privatization process has gone through important successive phases, as first the legal framework had to be put in place, then my Office had to intervene to support the efforts of the State Agencies and the IC to set up the ad hoc institutions necessary to effectively start selling State enterprises. We are now in the third phase, which involves the actual sale of the remaining State-owned portion of enterprises. This is by far the most difficult stage and it will probably be the longest one. Three years from the start of the whole process, 60% of small scale, 40% of large-scale and 15% of strategic enterprises have been sold. The next step is to attract solid foreign investors into the country to sustain the economic recovery, foster employment and develop export activities.

Stability Pact

50. The Stability Pact, at its launch in Sarajevo in July 1999, was seen as an important mechanism for the realization of the much-needed benefits of enhanced regional cooperation. BiH had a late start in taking advantage of this mechanism, with her full participation only coming into effect after the creation of the Ministry of European Integration and the positive changes that came with the November 2000 election. Since 2000, BiH has become increasingly active in all-important Pact activities including such areas as trade liberalization, investment environment enhancement, refugee return, and combating organized crime and terrorism.

Succession Agreement

51. Under my separate mandate for the Socialist Federal Republic of Yugoslavia's (SFRY) succession, I mediated the final round of the negotiations on this issue. The process concluded on 29 June 2001, when I witnessed the signature of the Agreement that provided for the distribution of the SFRY's rights, obligations, assets and liabilities.

VI. - Rule of Law

52. The IC in BiH has made significant strides toward police reform. UNMiBH/IPTF is managing, among other things, to reduce the number of regular police forces, conduct background checks and verify housing status and educational qualifications, withdraw provisional authorization for offences, promote minority police recruitment, as well as to deploy the SBS. The UNMiBH programmes, under the assistance role as defined by Annex 11, are laying the groundwork for the EU Police Mission (PM),

which will take over on 1 January 2003. The EU PM will begin the next phase of BiH police reform through mentoring, monitoring, and inspection of police administrations and personnel in accordance with European policing standards. Further to my Decision of 30 April 2002 prioritizing minority police returnees in the implementation of property laws, I expect the recent constitutional amendments in both Entities to be implemented in such a way as to further facilitate minority police recruitment.

53. Over the past three years, however, the importance of the overall establishment of the rule of law and in particular, an efficient, modern judiciary has become increasingly obvious. War crimes prosecutions have suffered due to the inadequacy of the domestic system. Judicial ineffectiveness even undermines police reform, and in several cases, police have refused to act against high-profile criminals because they know that the offenders will be quickly released and will never be effectively prosecuted. The judicial system of BiH has not merely suffered the ravages and disruption of war and immediate post-war, but also emerged from a communist culture in which there was no separation of powers and no tradition of judicial independence. Furthermore, judges and prosecutors continue to lack the capacity to deal with complex cases, especially those involving corruption or other economic crimes (such as Hercegovacka Banka, mentioned above).

54. During the first part of my mandate, the IC's efforts in the field of judicial reform focussed on issues such as the establishment of a State Court, the law creating training institutes or the Judicial and Prosecutorial Service Laws. The latter laws, which were adopted in 2000, increased the salaries of the judges in an effort to strengthen their independence while creating commissions to review the judges and prosecutors. However, as these efforts were not enough to establish the rule of law in the BiH judicial practice, in November 2000 I established the Independent Judicial Commission (IJC), - successor to UNMIBH's Judicial System Assessment Program (JSAP)- and in March 2001 I gave it a comprehensive mandate to deal with all aspects of judicial and prosecutorial reform.

55. The work of the IJC pointed at structural shortcomings in both the judicial disciplinary system and the legal framework. Therefore, on 28 February 2002 the PIC Steering Board (SB) at Political Directors' level endorsed my robust programme of action. At its 7 May 2002 meeting, the SB welcomed my plan to ensure completion of the first phase, which involves de-politicizing the regulation of the legal profession and by ensuring the establishment of training institutes in both entities coordinated by the High Judicial Council. The establishment of a single High Judicial Council will lay the foundations for further reform of the judiciary, such as the re-structuring of the court and prosecutorial systems.

Wolfgang Petritsch
The High Representative
13 May 2002

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Security Council

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Letter dated 16 May 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I regret to have to draw the Security Council's attention to the security situation created by the confrontations between the Rwandan Patriotic Army and the Rassemblement Congolais pour la Démocratie-Goma (RCD-Goma) on Tuesday, 14 May 2002, in Kisangani, capital of Orientale Province of the Democratic Republic of the Congo.

These extremely serious incidents occurred less than two weeks after the visit of the Security Council mission to the Great Lakes region. The confrontations have resulted in the deaths of more than 20 people, including a child four years of age, who was shot full in the chest.

In view of the accusations put forward on the local radio stations by those in charge of RCD-Goma against civil society leaders, there is reason to fear for the physical safety of prominent members of civil society who have spoken out openly against the continued Rwandan occupation of the city of Kisangani and against collaboration of any kind with the Rwandan enemy.

Several arrests of members of civil society and young people by Rwandan troops have already been reported. Repressive measures have also been taken against the local clergy. For example, Father Xavier Zabalo, a Spaniard, the priest of the parish of Christ-Roi de Kabondo, was arrested Tuesday by Rwandan troops as he was taking a wounded man to the hospital in his vehicle. After arrest he was taken to an unknown location.

Moreover, to date the RCD-Goma authorities have inexplicably persisted in refusing any aid to Congolese wounded in these confrontations.

It would appear that the confrontations are a manoeuvre on the part of Rwanda to create a pretext for not withdrawing its troops from the city of Kisangani in conformity with all the relevant resolutions of the Security Council and the practical measures and decisions taken by the Political Committee on implementation of the Lusaka Agreement, which called upon the aggressor nation to leave Kisangani by 6 April 2002.

The intent of the manoeuvre is also to sabotage the international peace symposium initiated by the religious communities and civil society of Kisangani in collaboration with the associations "Beatti costruttori di pace" of Italy and

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"Développement et paix" of Canada, scheduled to take place in Kisangani from 24 to 26 May 2002.

It is essential that the Security Council should take all necessary measures to save the civilian population of Kisangani from the barbarity, atrocities and cruelty of the Rwandan soldiers. The Council should instruct the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to deploy observers to dissuade the Rwandan aggressors from committing acts of violence against the innocent civilians of Kisangani. The inhabitants of that city, it should be recalled, have already suffered three waves of confrontations between foreign forces, including the Rwandan Patriotic Army and the Ugandan armed forces.

My Government takes this opportunity to ask the Security Council to demand from Rwanda:

1. Its immediate and unconditional withdrawal from the city of Kisangani;

2. Its immediate and unconditional withdrawal from the territory of the Democratic Republic of the Congo in accordance with all the relevant provisions of Security Council resolutions on the situation in the Democratic Republic of the Congo.

If Rwanda should refuse to comply with the demands of the Security Council concerning its unconditional withdrawal from the Democratic Republic of the Congo, my Government believes that the Council would restore its credibility in the region and serve the ends of justice by accompanying its demand for unconditional withdrawal from the territory of the Democratic Republic of the Congo with the appropriate enforcement action as provided for by Articles 39, 41 and 42 of the Charter of the United Nations, notably:

(a) An international embargo on the direct or indirect delivery, sale or transfer of weapons to the Government of Rwanda;

(b) An economic, commercial and financial blockade against the Government of Rwanda;

(c) The suspension of diplomatic relations between the Government of the States Members of the United Nations and the Government of Rwanda;

(d) A ban on travel abroad by Rwandan leaders and their families.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

United Nations S/2002/549

Security Council

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Letter dated 16 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to the members of the Council, through you, the press release and summary report of the Cape Town meeting on the continuation of the Inter-Congolese Dialogue (see annexes).

The said press release and summary report were issued by 13 Congolese political parties which were an integral part of the Inter-Congolese dialogue in Sun City.

The content of these two texts makes it possible to fully understand and appreciate the concerns of the Congolese, who really want the inter-Congolese political negotiations to succeed.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

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Annex I to the letter dated 16 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Press release

At the invitation of the President of the Republic of South Africa, His Excellency Mr. Thabo Mbeki, representatives of the undersigned Congolese parties to the inter-Congolese political negotiations met on 9 and 10 May 2002 in Cape Town, South Africa, to propose concrete solutions for ending the lack of consensus regarding the new inclusive political order for the transition in the Democratic Republic of the Congo following the Sun City negotiations.

The Congolese parties formulated by consensus proposals regarding the following:

1. Immediate continuation of the Inter-Congolese Dialogue thanks to the mediation of Their Excellencies Presidents Thabo Mbeki and Levy Mwanawasa of South Africa and Zambia respectively and under the neutral facilitation of His Excellency Mr. Ketumile Masire, with a new team, if necessary;

2. Request for assistance from the Southern African Development Community (SADC), the African Union, the European Union, the United Nations and the international community to bring about the resumption of the dialogue;

3. Withdrawal of foreign troops and disarmament of armed groups in accordance with the Lusaka Agreement and the resolutions of the joint meeting of the Political Committee and the Security Council mission, held in Luanda on 1 and 2 May 2002;

4. Continuation of the dialogue on the basis of the synthesis of the amendments to the Mbeki II plan presented by the Facilitator at the plenary meeting on 19 April 2002, any other proposal to be added to this synthesis;

5. Continuation of the dialogue in a more reduced format, in accordance with the decision of the plenary meeting of 19 April 2002;

6. Maintenance of the Lusaka Agreement as the political and legal framework for the continuation of the dialogue;

7. Agreement by South Africa to again offer its hospitality for the continuation of the dialogue.

The Congolese parties, on behalf of the Congolese people, thanked the people of South Africa, through their President, for all the efforts that have been made and that continue to be made to bring peace, democracy and the rule of law to the Democratic Republic of the Congo.

Done in Cape Town, South Africa, on 10 May 2002.

The signatories:

Collectif des Partis de Constance (COPACO)
Prof. Christophe Tshimanga

Collectif Progressiste Radical et Alliés (CPRAL)
Mr. Alphonse Lupumba

Forces Novatrices pour l'Union et la Solidarité (FONUS)
Mr. Joseph Olenghankoy

Groupe des 14 de Sun City
Mr. Nyembo ya Lumbu (Alliance Nationale pour la République (ANR))

Groupe des 20 de Sun City (G20)
Dr. Kabamba Mbwebwe (Front Patriotique)

Groupe Non-Parlementaire de l'Opposition (GNPO)
Mr. Dénis Katalay

Mouvement Lumumbiste Progressiste (MLP)
Mr. Franck Diongo

Mouvement National Congolais/Lumumba (MNC/L)
Mr. François Lumumba Tolenga

Rassemblement pour une Nouvelle Société (RNS)/Conseil de l'Opposition Externe de l'Amérique du Nord (COCEAN)
Dr. Alafuele M. Kalala

Solidarité pour le Développement Progressiste (SODEPRO)/Regroupement des Partis Politiques Progressistes (RPPP)
Mr. Bembe Majimo Bathy

Parti Lumumbiste Unifié (PALU)
Prof. Godefroid Mayobo

Union de l'Opposition Démocratique du Congo (UODC)
Mr. Binda Phumu (Union socialiste pour le développement intégral (USDI) party)

Union pour la Démocratie et le Progrès Social (UDPS)
Dr. Etienne Tshisekedi-wa-Mulumba

Rassemblement Congolais pour la Démocratie (RCD)
Mr. Azerias Ruberwa

Annex II to the letter dated 16 May 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the Security Council

Summary report of the Cape Town meeting on the continuation of the Inter-Congolese Dialogue

The Congolese parties who came to Cape Town at the invitation of the South African President, His Excellency Mr. Thabo Mbeki, met on Thursday, 9 May and Friday, 10 May 2002 in the building of the South African Parliament.

Originally scheduled for the parties to the inter-Congolese negotiations, the meeting was held with RCD and the political opposition who responded to the invitation. In this connection, Mr. Mbeki mentioned two letters that had been sent to him by the Government and MLC. These letters maintained that the Inter-Congolese Dialogue had ended and that the Congolese should commit themselves to an agreement which they had signed among themselves. As far as the Government and MLC are concerned, the negotiations must carry on in a different setting.

After a brief discussion and a thorough investigation into ways of solving the lack of consensus regarding the organization of the transition in the Democratic Republic of the Congo, Mr. Mbeki left the Congolese to debate freely among themselves before putting forward concrete proposals.

Based on these criteria, a consensus emerged in favour of Mr. Etienne Tshisekedi, the most senior member, as the Moderator, and of Dr. Kabamba Mbwebwe and Mr. Thomas Otshudi Wongodi and Mr. Thomas Nziratimana respectively as the Rapporteur General and Assistant Rapporteurs.

The agenda adopted by consensus comprised the following items:

- Exchange of information;
- Inter-Congolese Dialogue:
  - Objectives and principles;
  - Government — MLC agreement: remarks and observations;
  - Proposals with respect to the continuation of the Inter-Congolese Dialogue.

I. Exchange of information

The exchange of information led to the identification of the following aspects that have come to the forefront of the national political scene after the work accomplished during the Inter-Congolese Dialogue in Sun City:

- The campaign demonizing RCD and all the political organizations and groupings that did not sign the agreement between the Government and MLC;
- The explanatory campaign organized by RCD and the political organizations and groupings that did not sign the above-mentioned agreement is beginning to bear fruit;

- The entire Congolese population is concerned at the return of "Mobutisme" to the national political scene;
- The Government and MLC are determined to carry out their agreement by imposing it upon everyone;
- The position of the international community, although initially reserved, has shifted towards a demand for a global, consensus agreement;
- The reading of the above-mentioned agreement differs according to whether it is interpreted by the Government or MLC, something that is serious cause for concern;
- The marked increase in discord among the Congolese people;
- The risks of repression of political parties increasing poverty, never-ending destruction, reopening of hostilities and partition of the country;
- RCD undertakes to put an end to the war as soon as a global, consensus agreement is concluded on the new political order, in accordance with the Lusaka Agreement.

II. Inter-Congolese Dialogue

II.I. Objectives and principles

a) Objectives

The objectives of the Inter-Congolese Dialogue are defined in the Lusaka Agreement, as follows:

1. National reconciliation;

2. Formation of a new national army;

3. Restoration of the administrative authority of the State over the entire national territory (unity and territorial integrity);

4. Establishment of a new political order;

5. Drafting of the transition Constitution and the draft Constitution of the Third Republic;

6. Ending of the war, in that the Lusaka Agreement is only a ceasefire agreement;

7. Organization of free, democratic and transparent elections at the end of the transition period.

b) Principles

The following principles are applicable:

1. The Inter-Congolese Dialogue is governed by the Lusaka Agreement taken as a whole;

2. The Lusaka Agreement is national and international in nature;

3. Inclusiveness, consensus, equality of the components and existence of a neutral Facilitator are non-negotiable principles.

In terms of all these objectives and principles, the Sun City negotiation phase has not been conclusive. As the Inter-Congolese Dialogue has not yet attained its objectives in terms of the Lusaka Agreement, it is not over. This point of view is further supported by the Facilitator's report released in Luanda on the occasion of the joint meeting of the Political Committee and the Security Council mission on 1 and 2 May 2002.

II.2. Agreement between the Government and MLC: remarks and observations

- The agreement was concluded between two components, in violation of the principles of consensus and inclusiveness;
- The agreement was reached outside of the plenary meeting and the committees of the Inter-Congolese Dialogue;
- Delegates to the Dialogues acceded to the agreement which was devised, drafted and signed in their absence. In fact, many of them signed it without having read it;
- It was drawn up and presented to third parties as a fait accompli of power-sharing between two people;
- The Facilitator, Mr. Ketumile Masire, was ignored in the process of drawing up and signing the agreement;
- The agreement jeopardizes the application of the 40 consensus resolutions adopted by the Dialogue;
- Because of its irregular nature, it cannot usher in a democratic era;
- It does not meet any of the above-mentioned objectives of the Inter-Congolese Dialogue and does not solve the grave political problems that confront the Democratic Republic of the Congo;
- It was unnecessary at the time of its signature, as the main demands of all the parties, particularly the Government and MLC, had already been taken into account by the very advanced negotiations based on the Mbeki II plan.

II.3. Proposals for the continuation of the Inter-Congolese Dialogue

A consensus emerged for Their Excellencies Presidents Thabo Mbeki and Levy Mwanawasa to continue with the mediation and to exert their influence so that:

- A Summit of the Heads of State and the Presidents of movements that were signatories to the Lusaka Agreement is held to investigate the threat that is hanging over the Agreement, particularly with regard to the Inter-Congolese Dialogue;
- SADC, the African Union, the European Union and the United Nations put pressure on the Government and MLC to return to the negotiating table;
- Optimum conditions are created for the real and urgent reopening of inter-Congolese political negotiations;
- The Lusaka Agreement remains the only political and legal framework for the continuation of the Inter-Congolese Dialogue;

- The neutral Facilitator, His Excellency Mr. Ketumile Q. Masire, is assisted, if necessary, by a new team;
- Foreign troops are withdrawn and armed groups are disarmed, in accordance with the Lusaka Agreement and the resolutions of the joint meeting of the Political Committee and the Security Council mission held in Luanda on 1 and 2 May 2002;
- The dialogue continues in a more reduced format, in accordance with the decision of the plenary meeting of 19 April 2002;
- The synthesis of the amendments to the Mbeki II plan presented by the Facilitator at the plenary meeting on 19 April 2002 constitutes the basic document for the resumption of the negotiations. According to this synthesis, the remaining differences of opinion concerned only two points out of seven;
- Any other proposal is added to the amendments in the synthesis;
- South Africa is requested to again offer its hospitality for the continuation of the Inter-Congolese Dialogue;
- A vast explanatory campaign is launched to inform the people of the Democratic Republic of the Congo, in order to avoid the disinformation that has been deliberately maintained. The same effort should be made with regard to the international community.

Done in Cape Town, South Africa, on 10 May 2002.

The Signatories:

Collectif des Partis de Constance (COPACO)
Prof. Christophe Tshimanga

Collectif Progressiste Radical et Alliés (CPRAL)
Mr. Alphonse Lupumba

Forces Novatrices pour l'Union et la Solidarité (FONUS)
Mr. Joseph Olenghankoy

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Prof. Godefroid Mayobo

Union de l'Opposition Démocratique du Congo (UODC)
Mr. Binda Phumu (USDI party)

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Dr. Etienne Tshisekedi-wa-Mulumba

Rassemblement Congolais pour la Démocratie (RCD)
Mr. Azerias Ruberwa

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Security Council

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Letter dated 16 May 2002 from the Permanent Representative of Somalia to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter addressed to you by Yusuf Hassan Ibrahim, Minister for Foreign Affairs of the Transitional National Government of the Somali Republic (see annex).

As you can discern from the letter, the Government of Ethiopia continues to interfere in the national affairs of Somalia in violation of relevant Security Council resolutions and presidential statements reaffirming respect for the unity and territorial integrity of Somalia and the principle of non-interference in its internal affairs. The Ethiopian aggression against Somalia must be stopped.

I request that the present letter and its annex be distributed as a document of the Security Council.

(*Signed*) Ahmed Abdi **Hashi**
Ambassador
Permanent Representative of the Somali Republic to the United Nations

02-38727 (E) 170502

Annex

Annex to the letter dated 16 May 2002 from the Permanent Representative of Somalia to the United Nations addressed to the President of the Security Council

I wish to bring to your kind attention the invasion by the Ethiopian military forces of the southern towns of Bulo Hawo and Garbaharey, Gedo Region, which took place on 15 May 2002, killing and wounding many people, including children and the elderly. The Ethiopians forced hundreds to flee to the Kenyan border town of Mandera. The invading forces entered the towns in personnel carriers, supported by tanks and artillery, and heavily shelled the towns. A considerable part of the towns has been destroyed and burned by Ethiopian bombardments.

The Ethiopian invaders also abducted the officer-in-charge of the town of Bulo Hawo, Colonel Abdirizak Isak Bihi. The fate of Colonel Abdirizak, who has been in Ethiopian captivity since yesterday, is still unclear. The Somali Government considers Ethiopia responsible for the safety and safe return of Colonel Abdirizak to Somalia and the international community is called upon to condemn this criminal act.

The Transitional National Government of Somalia calls upon the Secretary-General of the United Nations, the Security Council, the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, the Organization of the Islamic Conference, the European Union and the Intergovernmental Authority on Development (IGAD), as well as the international community in general to condemn this naked and unprovoked aggression against Somalia and the killing of innocent people.

The international community must not condone this arrogant behaviour of the Addis Ababa regime. Ethiopia must not be allowed to inflame a conflict in the region of the Horn of Africa by its irresponsible act.

The Transitional National Government and the people of Somalia appeal to the international community to call upon the Ethiopian authorities to stop its cross-border terrorism and to refrain from interfering in the internal affairs of the Somali Republic and the violation of its national independence, sovereignty and territorial integrity. Ethiopia must withdraw its forces, immediately, from Somali territories.

(*Signed*) Yusuf Hassan **Ibrahim**
Minister for Foreign Affairs